	Application No.	**Applicant(s)**
Notice of Allowability	09/940,903	KAMVYSSELIS, PETER
	Examiner	**Art Unit**	
	Kristie D. Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *1/22/2007*.

2. ☒ The allowed claim(s) is/are *33,37,55,59,63,72,81,90 and 91*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

           International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
    of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
    Paper No./Mail Date *4/12/07* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

kds/20070412

DETAILED ACTION

Response to Amendment
Claims 33, 37, 55, 59, 63, 72 and 81 have been amended.
Claims 1-32, 36, 40-54, 58, 62, 64, 68, 77, 82 and 86 have been cancelled.
Claims 33-35, 37-39, 55-57, 59-61, 63, 65-67, 69-76, 78-81, 83-85 and 87-89 are pending.

Per Examiner's Amendment
Cancel claims 34, 35, 38, 39, 56, 57, 60, 61, 65-67, 69-71, 74-76, 78-80, 83-85 and 87-89 have been cancelled.
Claims 33, 37, 55, 59, 63, 72, 81, 90 and 91 are pending.

Claims 33, 37, 55, 59, 63, 72, 81, 90 and 91 are allowed.

Response to Arguments

I. Applicant's arguments (see Remarks pages 15-17) filed 1/22/2007, with respect to independent claims 33, 55, 63, 72 and 81 been fully considered and are persuasive. Therefore the 35 USC 103(a) rejections of the pending claims have been withdrawn.

Examiner's Amendment

II. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

III. Authorization for this Examiner's amendment was given in a telephone interview with Atty. Donald Muirhead on April 12, 2007. Please make the following changes:

a. **Regarding Claim 33:**
   - In line 16: delete ".".—replace with—" ; "

- On a new line, line 17: add—*wherein the first format is RDF format and the second format is one of TCP/IP or UDP.*—

b. **Regarding Claim 55:**
   - In line 17: delete "."—replace with—" ; "
   - On a new line, line 18: add—*wherein the first format is RDF format and the second format is one of TCP/IP or UDP.*—

c. **Regarding Claim 63:**
   - In line 11: delete "."—replace with—" ; "
   - On a new line, line 12: add—*wherein the first format is RDF format and the second format is one of TCP/IP or UDP.*—

d. **Regarding Claim 72:**
   - In line 12: delete "."—replace with—" ; "
   - On a new line, line 13: add—*wherein the first format is RDF format and the second format is one of TCP/IP or UDP.*—

e. **Regarding Claim 81:**
   - In line 13: delete "."—replace with—" ; "
   - On a new line, line 14: add—*wherein the first format is RDF format and the second format is one of TCP/IP or UDP.*—

f. **Regarding Claim 37:**
   - In line 2: delete "first"—replace with—*RDF*—;
                 delete "second"—replace with—*TCP/IP or UDP*—.

g. **Regarding Claim 59:**
   - In line 2: delete "first"—replace with—*RDF*—;
                 delete "second"—replace with—*TCP/IP or UDP*—.

h. **Cancel Claims: 34, 35, 38, 39, 60, 61, 65-67, 69-71, 74-76, 78-80, 83-85 and 87-89.**

For example, Claims 33 and 37 should now read as follows:

33. A method of transferring data from a first storage device to a second storage device, comprising:
    synchronously transferring the data from the first storage device to a first buffer device; asynchronously transferring the data from the first buffer device to a second buffer device;
    synchronously transferring the data from the second buffer device to the second storage device, wherein the first buffer device acknowledges successful transfer of the data to the first storage device prior to the first buffer device completing transfer of the data to the second buffer device; and

providing the data from the first buffer device to the second buffer device using a network, wherein the data is provided from the first storage device in a first format and is provided to the network in a second format that is different from the first format, wherein the first buffer device converts the data from the first format to the second format and sends the data in the second format to the network, and wherein the second buffer device receives the data in the second format from the network and converts the data from the second format into the first format before the data is transferred to the second storage device;
wherein the first format is RDF format and the second format is one of TCP/IP or UDP.

37. The method of Claim 33, wherein the second storage device receives the data in the ~~first~~ RDF format different from the ~~second~~ TCP/IP or UDP format used to transmit the data over the network.

Reasons for Allowance
(The following is an examiner's statement of reasons for allowance)

IV.   The prior art or record fails to distinctly teach neither singly nor in combination, the limitations of independent Claims 33 and 55 for "synchronously transferring the data from the second buffer device to the second storage device, wherein the first buffer device acknowledges successful transfer of the data to the first storage device prior to the first buffer device completing transfer of the data to the second buffer device; and providing the data from the first buffer device to the second buffer device using a network, wherein the data is provided from the first storage device in a first format and is provided to the network in a second format that is different from the first format, wherein the first buffer device converts the data from the first format to the second format and sends the data in the second format to the network, and wherein the second buffer device receives the data in the second format from the network and converts the data from the second format into the first format before the data is transferred to the second storage device" as supported in Applicant's Specification on pages 4-7; or the limitations of independent Claims 63, 72 and 81 for "the first storage device providing the data to the second

storage device using a network, wherein the data is acknowledged to the first storage device as being successfully received at the second storage device prior to all of the data being provided to the network, wherein the data is provided from the first storage device in a first format and is provided to the network in a second format that is different from the first format, wherein the first storage device converts the data from the first format to the second format and sends the data in the second format to the network, and wherein the second storage device receives the data in the second format from the network and converts the data from the second format into the first format" as supported in Applicant's Specification on pages 4-5 and 11-12.

Specifically the prior art fails to explicitly teach the claimed features of pre-acknowledging successful transfer of all data before the all of the data has actually reached the network or the destination, while converting from one format to another "wherein the first format is RDF format and the second format is one of TCP/IP or UDP" as cited in Claims 33, 55, 63, 72 and 81. Conversion of the RDF (Remote Data Facility) format to the TCP/IP or UDP format is not expressly taught or suggested in the prior art.

VI.   As discussed in Applicant's Remarks filed 1/22/2007, these limitations, in conjunction with other limitations in the independent and dependent claims, are not specifically disclosed or remotely suggested in the prior art of record. A review of Claims 33, 37, 55, 59, 63, 72, 81, 90 and 91 in view of the Examiner's remarks above, indicates that Claims 33, 37, 55, 59, 63, 72, 81, 90 and 91 are allowable over the prior art of record.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

VII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
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